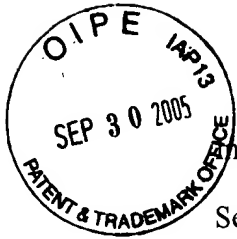


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PATENT Ifw

Attorney Docket No. SMTR-001/02US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



re application of Brad W. BLUMBERG et al.

Examiner: Julio R. Perez

Serial No.: 09/774,119

Art Unit: 2681

Filed: January 31, 2001

Confirmation No.: 1143

For: **POSITION-BASED INFORMATION ACCESS DEVICE AND METHOD OF SEARCHING**

United States Patent and Trademark Office
Customer Service Window, **Mail Stop Petition**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

PETITION TO WITHDRAW FROM ISSUE UNDER 37 C.F.R. 1.313(c)(2)

In accordance with 37 C.F.R. 1.313(c)(2), Applicants petition the Director of Patents to withdraw the above-referenced application from issue to permit consideration of a Request for Continued Examination ("RCE") under 37 C.F.R. 1.114 accompanied by an Information Disclosure Statement under 37 C.F.R. 1.97.

The documents cited in the Information Disclosure Statement filed with the RCE were brought to Applicants' attention after payment of the issue fee on February 3, 2005. Applicant does not waive any right to appropriate action to establish patentability over the cited reference should it be applied against the pending claims.

As suggested in MPEP §1308, the undersigned has contacted the Office of Petitions and has been informed that sufficient time remains before the patent issue date to consider a petition under 37 CFR 1.313(c). In accordance with M.P.E.P. 1308, this

petition is sufficient grounds to waive the requirement that an application under 37 C.F.R. 1.114 be filed before payment of the issue fee. Accordingly, a Request for Continued Examination transmittal and fee is submitted herewith along with the IDS and PTO/SB/08A.

The petition fee as set forth in 37 C.F.R. 1.17(h) and the filing fee for the RCE as set forth in 37 C.F.R. 1.17(e) is enclosed. The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

Prompt and favorable consideration of this petition is respectfully requested.

Dated: 9/30/05

Cooley Godward LLP
ATTN: Patent Group
One Freedom Square
Reston Town Center
11951 Freedom Drive
Reston, VA 20190-5656
Tel: (703) 456-8000
Fax: (703) 456-8100

Respectfully submitted,
COOLEY GODWARD LLP

By: Nancy A. Vashaw
Nancy A. Vashaw
Reg. No. 50,501